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IN THE UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL SAVAGE,) Case No. CV07-06076 SI
Plaintiff,)
v.) STIPULATION TO ALLOW FILING OF
COUNCIL ON AMERICAN-ISLAMIC) SECOND AMENDED COMPLAINT;
RELATIONS, INC., COUNCIL ON) STIPULATION AS TO FORM OF
AMERICAN ISLAMIC RELATIONS ACTION) ANSWERS AND JOINDER IN PENDING
NETWORK, INC., COUNCIL ON AMERICAN) MOTION AND
ISLAMIC RELATIONS OF SANTA CLARA,) [PROPOSED] ORDER
INC., and DOES 3-100,)
Defendants.)

This stipulation is entered into by Daniel Horowitz on behalf of plaintiff and Thomas R. Burke of Davis Wright Tremaine LLP on behalf of all defendants presently named in the lawsuit and the CAIR entity which is referred to herein as the Council on American Islamic Relations, Inc., incorporated in Washington, D.C. and commonly referred to as CAIR-National.

1 It is hereby stipulated that plaintiff may file a Second Amended Complaint that is identical
2 to the present, Amended Complaint except that paragraph 9 shall be modified to name the entity
3 commonly referred to as CAIR-National. The present paragraph 9 reads as follows:

4 9. The self-proclaimed leaders of the Council on American Islamic Relations aka
5 CAIR operates out of Washington, D.C. and where the actual name of the
6 corporation is Council on American Islamic Relations Action Network aka CAIR.
7 Therefore, Doe 2 is named herein as the Council on American Islamic Relations
8 Action Network, Inc. aka CAIR. However, in its IRS Form 990 filing in 2005, the
9 group used the corporate name, Council on American Islamic Relations and not
Council on American Islamic Relations Action Network.

10 By this stipulation the parties agree that a Second Amended Complaint may be filed that is
11 identical to the first except that it adds the following to paragraph 9.

12 “In the alternative, Doe 2 is sued under the name “Council on American Islamic
13 Relations Inc.” This entity is intended to be the group that is headquartered in
14 Washington D.C. and which is commonly referred to as “CAIR-National.”

15 **It is further stipulated** that the each defendant who has not yet appeared, may answer or
16 otherwise respond to the Second Amended Complaint with reference to the names set forth in the
17 Second Amended Complaint and may do so without conceding that such name or designation is the
18 correct name or designation of said entity. Defendant(s) in their Answer will set forth the correct
19 legal name and status as the defendant deems proper.

21 **It is further stipulated** that a filing of the Second Amended Complaint does not moot the
22 pending Motion for Judgment on the Pleadings, and all named defendants may join in the Fed. Rule
23 Civ. Proc. 12 (c) motion filed by Council on American Islamic Relations of Santa Clara, Inc.
24 whether or not they have filed an answer. It is agreed that their joinder in the motion shall be
25 deemed to be made under Fed. Rule Civ. Proc. § 12(b)(6) and/or 12(c) as the Court deems proper.
26 The present briefing schedule shall remain unchanged.

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1 **It is further stipulated** that any response currently due by defendants CAIR-Texas or
2 CAIR-National to Plaintiff's First Amended Complaint may await the Court's anticipated approval
3 of Plaintiff's filing of the Second Amended Complaint. Once Plaintiff's Second Amended
4 Complaint has been filed and all of the CAIR Defendants have been served by process on their
5 counsel of record (who is authorized to accept service on their behalf), the deadline for the response
6 of the CAIR Defendants to the Second Amended Complaint shall be continued until the Court has
7 ruled on the pending Motion for Judgment on the Pleadings.
8

9 DATED this 8th day of February 2008.
10
11

12 By: /s/ Daniel A Horowitz
13 DANIEL A. HOROWITZ
14 Attorney for Plaintiff
15
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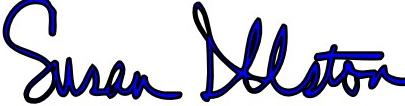
17 DAVIS WRIGHT TREMAINE LLP
18 ELECTRONIC FRONTIER FOUNDATION
19

20 By: /s/ Thomas R. Burke
21 THOMAS R. BURKE
22 Attorneys for Defendant Council on
23 American-Islamic Relations of Santa
24 Clara, Inc.
25
26

27 **IT IS SO ORDERED:**

28 DATE: _____

29 ORDER

30 
31 _____
32 Susan Illston
33 Judge of the United States District Court
34
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